

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, individually and on
behalf of all others similarly situated, *et al.*,

Plaintiffs,

v.

UNITED AIRLINES, INC.,

Defendant.

Civil Action No.: 4:21- 01074-P

**MOTION FOR TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65 and Local Civil Rule 7.1, Plaintiffs respectfully request that the Court issue a temporary restraining order and a preliminary injunction enjoining Defendant United Airlines, Inc. (“United”) from enforcing its COVID-19 vaccine mandate for all employees who have requested or will request an accommodation from the mandate until United has granted reasonable accommodations as required by federal law. To date, United has failed to do so. Rather than engage in a meaningful interactive process, United is forcing all employees who requested an accommodation for religious or health reasons to either abandon their request and receive the vaccine by September 27, 2021, or effectively lose their employment. That is because even for the requests United has granted, the only accommodation offered is indefinite unpaid leave and loss of benefits. As explained in the accompanying memorandum and supporting exhibits, United’s failure to engage in the interactive process and its failure to grant reasonable accommodations violates both Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act.

Accordingly, to prevent irreparable injury, the Court should grant this Motion and temporarily enjoin United from: (1) terminating any employee for failing to receive a COVID-19 vaccine if that employee has requested an accommodation for religious or medical reasons; (2) placing any employee on unpaid leave as a form of accommodation from the COVID-19 vaccine mandate; and (3) denying as untimely any request for religious or accommodation from the COVID-19 vaccine mandate.

September 22, 2021

Respectfully submitted,

/s/ John C. Sullivan

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* *Pro hac vice* motions forthcoming

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Proposed Class*

CERTIFICATE OF SERVICE

On September 22, 2021, I filed the foregoing document with the clerk of court for the United States District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or pro se parties of record by a manner authorized by Federal Rule of Civil Procedure 5(b)(2).

Additionally, I communicated both by telephone and email with Ada W. Dolph, Seyfarth Shaw LLP, who informed me that she was counsel for Defendant, and that the following attorneys would be representing Defendant in this matter:

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Notice and a copy of the foregoing has been provided to these attorneys via the Court's ECF system and via email.

/s/ Robert C. Wiegand

Robert C. Wiegand, Attorney for Plaintiffs

CERTIFICATE OF CONFERENCE

On September 21, 2021, I conferred with Ada W. Dolph, Seyfarth Shaw, LLP, attorney for Defendant regarding the relief sought in the foregoing motion. Agreement could not be reached because Defendant is opposed to the relief sought. Accordingly, the foregoing is presented to the Court as opposed.

/s/ Robert C. Wiegand

Robert C. Wiegand, Attorney for Plaintiffs